



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/516,830	12/07/2004	Ronen Lin	1874-4050	7206
27123	7590	02/24/2009	EXAMINER	
MORGAN & FINNEGAN, L.L.P. 3 WORLD FINANCIAL CENTER NEW YORK, NY 10281-2101				STEELE, JENNIFER A
ART UNIT		PAPER NUMBER		
1794				
NOTIFICATION DATE		DELIVERY MODE		
02/24/2009		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTOPatentCommunications@Morganfinnegan.com  
Shopkins@Morganfinnegan.com  
jmedina@Morganfinnegan.com

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/516,830	LIN ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	JENNIFER STEELE	1794	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 19 November 2008.
- 2a) This action is **FINAL**.                  2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 66,67,69,74,76-78,80-83 and 86-94 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 66,67,69,74,76-78,80-83 and 86-94 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____.   | 6) <input type="checkbox"/> Other: _____ .                        |



***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

1. **Claim 66-67, 69, 74, 76-78, 80-83, 86-94 rejected under 35 U.S.C. 103(a) as being unpatentable over Mass (US 6,521,551) in view of Martin (FR 2757555) and Kuney, Jr. (US 4,957,335) and Greves (US 6,98,446) and Nielsen et al (US 6,652,954) and Venable article titled “Color and Nighttime Pedestrian Safety Markings” and De Luca (US 4,901,633) .** Claim 66 describes a reflective knitted netting comprising:

- A leading longitudinal end and a trailing longitudinal end
  - Said netting including longitudinal ribbons interconnected transverse ribbons, and
  - At least one reflective indicator having a coefficient of retroreflection of at least 30,

- Said at least one reflective indicator extending in the longitudinal direction from said trailing longitudinal end to a location a predetermined distance from said trailing longitudinal end
- Said predetermined distance having a length at least sufficient to wrap an item and less than the total netting length.

Independent claim 69 describes the same article as claim 66 and adds that there is at least one colored indicator.

Mass teaches a knitted netting that is used in wrapping loads on pallets and bales of agricultural products (col. 1, lines 7-10). Mass teaches a knitted netting comprising longitudinal polyolefin ribbons and lateral polyolefin ribbons knitted with the longitudinal polyolefin ribbons to form a knitted netting (claim 1). Mass differs and does not teach that the knitted netting has reflective indicators extending in the longitudinal end to a predetermined distance from said trailing end and Mass does not teach that the knitted netting has the property of a retroreflection value of at least 30.

Martin teaches a plastics netting with reflective strips for fencing off areas from use has two reflective strips sewn onto the netting. The reflective strips run lengthwise along the netting with one band sewn to the upper edge and along both edges. Martin teaches the netting with the reflective strips has improved visibility at night.

Kuney teaches a retroreflective material produced by Minnesota Mining and Manufacturing, currently known as 3M Corp. Kuney teaches the retroreflective brightness of the reflective material can be optimized by changing the size of the microspheres in the sheeting and presents values of retroreflective brightness at

Art Unit: 1794

different angles in Table 2 (col. 18). While Kuney does not teach the measurement of a coefficient of retroreflection in Table 2, it is presumed that this property would be inherent in the disclosed retroreflective materials of Kuney. The invention of Kuney is known in the art by the trade name SCOTCHLITE-tm. SCOTCHLITE-tm is known to be used to provide the property of reflectance to articles such as roll up signs, flags, banners, cone wrap sheeting, barricade sheeting, sign sheeting, vehicle marking sheeting, segmented vehicle marking, pavement marking tapes and sheeting, decals, sew or retroreflective articles as evidenced by Neilson (US 6,652,954) and Greves (US 6,948,446).

Venable's article titled "Color and Nighttime Pedestrian Safety Markings" provides a study on the use of retroreflective markings on clothing and articles. Venable's study incorporates the uses of different colors of retroreflective indicators that are placed in a grassy field outdoors at night. Observers are required to make a note of which colors are more visible from a distance of 82 m in the dark, 82 m with headlights and 165 m in the dark. Venable's study references the ASTM standard E1501-92 "Standard Specification for Nighttime Photometric Performance of Retroreflective Pedestrian Marking for Visibility Enhancement". While Venable's study was inconclusive as to which color produces a greater effect, Venable's study presents a finding that one of ordinary skill in the art could have determined where the retroreflective materials would be most effective when placed in an article to improve the visibility for use outdoors in the dark.

De Luca teaches a method of indicating roll depletion. De Luca teaches a system for indicating the end of a rolled up roll where the end of the roll is treated with an ink or dye strip, one longer than the other. De Luca teaches there are different types of marks to indicate how close the end of the roll is. The indicators show that the end of the roll is imminent (ABST). De Luca is teaching a method to indicate the end of the roll and the relative amount of paper left on the roll. The method taught by De Luca is equivalent to Applicants limitation that the indicators have a predetermined distance from the trailing end and a length sufficient to wrap an item. The limitation of the predetermined distance would also be equated with other visual aids that are indicators that a material is going to run out, e.g. a low gas light.

Mass teaches a knitted netting comprised of longitudinal and transverse ribbons. Martin teaches a plastic netting with reflective strips sewn into run lengthwise on an upper edge to improve nighttime visibility. Kuney teaches retroreflective materials, known as SCOTCHLITE-tm that can be used to improve the visibility of numerous articles and optimizing the material to produce a coefficient of reflection of 30 is known. Venable's study presents a finding that one of ordinary skill in the art could have determined where the retroreflective and colored retroreflective materials would be most effective when placed in an article to improve the visibility for use outdoors in the dark. De Luca teaches it is known in the art to employ an indicator on a roll of material that would indicate when the roll is going to run out and how much material is left on the roll.

As to claims 66 and 69, it would have been obvious to one of ordinary skill in the art at the time the invention was made to employ a reflective component into a knitted netting motivated to produce a netting that is reflective and can be seen at a distance. It would have been obvious to optimize the reflective properties to achieve the desired amount of reflection as taught by Kuney.

As to claim 67, Mass teaches a roll of knitted netting.

Regarding claim 74, 76-78, Mass differs and does not teach a reflective material in the knitted netting. Martin teaches additional reflective strips in the plastic netting. Further Kuney and the SCOTCHLITE-tm retroreflective tapes are known to be used to make articles more visible by placing numerous tapes on articles in order to improve visibility.

As to claim 80, Mass teaches a knitted structure wherein the longitudinal ribbons, also named franzes, are formed with a series of loops so that the lateral ribbons, also called shusses, are knitted into the loops and the schuss ribbons zig-zag laterally between adjacent longitudinal fritz ribbons (shown in Figure 2).

Regarding claims 81-83, Mass differs and does not teach a reflective component or material in the knitted netting. Martin teaches reflective strips can be sewn into netting to form areas that are visible in order to see the netting at night. Kuney and the SCOTCHLITE-tm reflective indicators strip uses can be used in a variety of articles and roll up articles.

Regarding claims 86-94, Mass differs and does not teach reflective strips or colored strips. Martin teaches that it is known in the art to place reflective strips that run

Art Unit: 1794

along the edge of netting to improve visibility. Kuney and the SCOTCHLITE-tm brand teach that retroreflective tape can be produced to have greater or lesser reflectance values and can be placed on articles in systematic or random locations in order to improve the visibility of the article at night. Venable teaches that there is an ASTM standard to determine the use of retroreflective material for safety and articles. Venable teaches that the materials can be in different colors and can be observed at different distances and under different lighting conditions.

It would have been obvious to combine the teachings of the numerous uses of retroreflective strips and their visibility distances and incorporate the strips in a netting or knitted netting with the motivation to produce a netting that can be seen at night. And it would have been obvious to employ the reflective indicators at a predetermined length such that the reflective strips indicate a position or amount of netting on the roll.

### ***Response to Arguments***

2. Applicant's amendments and arguments with respect to claim 66-67, 69, 74, 76-78, 80-83, 86-94 have been considered but are moot in view of the new ground(s) of rejection. The previous reference to Hurwitz has been withdrawn.
3. Applicant's amendments are sufficient to withdrawn the previous 35 USC 112 1st paragraph rejection.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JENNIFER STEELE whose telephone number is (571)272-7115. The examiner can normally be reached on Office Hours Mon-Fri 8AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald Tarazano can be reached on (571) 272-1515. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1794

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/J. S./  
Examiner, Art Unit 1794

/Elizabeth M. Cole/  
Primary Examiner, Art Unit 1794

2/12/2009